

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration and allowance of this application. Claims 1-24 were pending. By this Amendment, claims 1, 3-6, 9, 11, and 23 have been amended. No new matter has been added. Accordingly, claims 1-24 are pending.

Rejection of claims 1-10 and 15-24 under 35 USC § 112, second paragraph

The Examiner rejected claims 1-10 and 15-24 as being indefinite.

In response, applicants have amended independent claim 1 so that section (i) is clear and the phrase “the UV-impermeable” is directed to the impermeable material. Claims 2-10 and 15-24 either directly or indirectly depend on claim 1.

Applicants, therefore, respectfully request that the Examiner reconsider and withdraw this rejection.

Rejection of claims 1-2, 9-22, and 24 under 35 USC § 103(a)

The Examiner rejected claims 1-2, 9-22, and 24 as being obvious over Luhmann.

In response, applicants refer the Examiner to M.P.E.P. §2146 which recites in part:

“Subject matter developed by another which qualifies as “prior art” only under one or more subsections 35 U.S.C. 102(e), (f) and (g) is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. 103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made.”

Applicants submit that the instant application and Luhmann were, at the time the invention of instant application was made, owned by Tesa AG. A statement of common ownership is submitted in a separate paper. Therefore, applicants submit the Luhmann reference is not prior art under this section of the statute.

Applicants are concurrently filing an Information Disclosure Statement for the published reference of DE 198 42 865 A1, which the Luhmann et al U.S. Patent No. 6,544,639 claims priority of.

Applicants, therefore, respectfully request that the Examiner reconsider and withdraw this rejection.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
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By _____


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